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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

IN THE MATTER OF THE) Case No. EDCV 12-1831-JGB (MLG)
EXTRADITION OF EDWARD RONALD)
HUGHES,) MEMORANDUM AND ORDER GRANTING
A fugitive from the government) REQUEST FOR EXTRADITION
of Mexico.)
)
)

Before the Court is a request for extradition brought by the Government of Mexico ("Mexico"), the requesting state, against Edward Ronald Hughes. Pursuant to an extradition treaty between the United States and Mexico, the United States acts on behalf of Mexico in this matter. See Extradition Treaty Between the United States of America and Mexico, May 4, 1978, Art. 13(3), 31 U.S.T. 5059; TIAS 9656 ("Extradition Treaty" or "Treaty").

I. Background

A. Procedural History

On October 23, 2012, a complaint was filed by the United States alleging that Edward Ronald Hughes was the subject of an extradition

1 request made by Mexico. *United States v. Hughes*, Case No. EDCV 12-
 2 0333M. Mexico's formal extradition request for Hughes's surrender,
 3 dated April 3, 2012, was filed as an attachment to the complaint. On
 4 September 17, 2012, a warrant was issued under 18 U.S.C. § 3184 for the
 5 arrest of Hughes. Pursuant to the warrant, Hughes was arrested on
 6 October 8, 2012. Hughes had his initial appearance before United States
 7 Magistrate Judge Sheri Pym on October 9, 2012. He has been detained
 8 pending the extradition hearing. Hughes, a United States citizen, is
 9 accused by Mexico of having committed the crime of aggravated homicide
 10 in Mexico.

11 Hughes filed his Opposition to Extradition ("Opposition") on
 12 January 18, 2013, and on February 8, 2013, the United States filed a
 13 Reply ("Reply"). An extradition hearing was held on March 12, 2013.
 14 After considering the parties' respective papers, evidence, and oral
 15 arguments, the matter was taken under submission. For the reasons
 16 discussed below, the Court issues this Memorandum and Order certifying
 17 Hughes's extradition to Mexico.

18 **B. Factual History¹**

19 In February 1994, Hughes and a business associate, Brian McCarthy,
 20 traveled to Mexico, ostensibly to conduct business on behalf of
 21 Automation Software, Inc ("ASI"), a company based in Rhode Island, of

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23 ¹ This brief summation of facts is taken from the Memorandum
 24 Opinion and Order granting Petitioner's habeas corpus petition in
Hughes v. Slade, Case No. CV 03-3857-MLG, and from the opinion of the
 25 United States Court of Appeals for the First Circuit, affirming
 Petitioner's conviction of the offense of Interference with Commerce by
 Threat or Violence, 18 U.S.C. § 1951. *United States v. Hughes*, 211 F.3d
 26 676, 679 (1st Cir. 2000). The facts are set forth in greater detail in
 27 the documentary evidence submitted in support of Mexico's formal
 28 request for extradition of Hughes (Diplomatic Note 02301) dated April
 3, 2012, attached as Exhibit 1 to the Government's Request for
 Extradition.

1 which both men were officers. On February 8, 1994, Hughes returned to
2 ASI's office in the United States with what he claimed was a "ransom"
3 demand. Hughes told company officials that McCarthy had been abducted
4 in Mexico on February 6, 1994. He informed them that the kidnappers
5 were demanding a ransom of one million pesos, and that Hughes was to
6 return with the money or McCarthy would be killed. On February 7, 1994,
7 while preparations were being made to deliver the ransom, but before
8 any ransom had been paid, McCarthy's body was found in a shallow grave
9 on a road between Mexico City and San Luis Potosi.

10 On February 9, 1994, Hughes resigned his position with ASI. He
11 sold his Rhode Island home in March 1994 and returned to Mexico. Nine
12 millimeter shell casings found near McCarthy's body were later
13 determined to match shell casings found on Hughes's property in Rhode
14 Island. Firearm transaction records revealed that Hughes had purchased
15 a nine millimeter handgun in September 1993.

16 On May 17, 1994, a warrant for Hughes's arrest was issued by the
17 United States District Court for the District of Rhode Island. The
18 warrant was based on a complaint charging Petitioner with attempted
19 extortion in violation of 18 U.S.C. § 1951. On June 14, 1994, the
20 United States submitted an extradition request to Mexico, asking that
21 Hughes be returned to the United States to stand trial on federal
22 extortion and related charges.

23 On July 7, 1994, Hughes was taken into custody by Mexican
24 officials. On October 10, 1994, the Government of Mexico granted the
25 United States' request to extradite Hughes, but stayed extradition
26 until the criminal investigation into the murder of Brian McCarthy and
27 any possible prosecution was completed.

28 //

1 On September 21, 1995, Mexico issued an arrest warrant for Hughes
2 for the homicide of Brian McCarthy. On April 29, 1997, Hughes was
3 acquitted of the murder charge in Mexico. Hughes was released on bail
4 on July 4, 1997, but was required to remain under house arrest while
5 the prosecution's appeal of his acquittal was pending, a procedure
6 permitted under Mexican law. On February 25, 1998, the decision of the
7 trial court was reversed by a Mexican appellate court. Hughes was found
8 guilty of McCarthy's murder and sentenced to 19 years in prison.
9 Sometime during the pendency of these proceedings, Hughes returned to
10 the United States. Hughes was never returned into the custody of
11 Mexican authorities, and remains a fugitive from Mexican justice.

12 Meanwhile, on September 11, 1996, an indictment was returned in
13 the United States District Court for the District of Rhode Island
14 charging Hughes with Interference with Commerce by Threat or Violence,
15 in violation of 18 U.S.C. § 1951. An arrest warrant was issued that
16 same day. In May 1998, Hughes surrendered himself to federal
17 authorities in Rhode Island. On September 24, 1998, following a jury
18 trial, Hughes was convicted of the charge contained in the indictment.
19 On February 8, 1999, he was sentenced to 20 years imprisonment to be
20 followed by three years of supervised release.

21
22 **II. Discussion**

23 **A. Legal Standard**

24 Extradition from the United States is governed by 18 U.S.C. §
25 3184, which confers jurisdiction on "any justice or judge of the United
26 States" or any authorized magistrate judge to conduct an extradition
27 hearing under the relevant extradition treaty between the United States
28 and the requesting nation. The purpose of the extradition hearing is to

1 determine whether a person arrested pursuant to a complaint in the
2 United States on behalf of a foreign government is subject to surrender
3 to the requesting country under the terms of the pertinent treaty and
4 relevant law. See 18 U.S.C. § 3184. In order to surrender the person to
5 the requesting country, the Court must determine that each of the
6 following requirements have been met: (1) the extradition magistrate
7 has jurisdiction to conduct the extradition proceedings; (2) the
8 extradition magistrate has jurisdiction over the fugitive; (3) an
9 extradition treaty is in full force and effect; (4) the crime is
10 extraditable (the dual criminality requirement); (5) there is probable
11 cause to believe that the individual appearing before the magistrate
12 judge has committed the crimes alleged by the requesting nation (the
13 probable cause requirement); and (6) there are no applicable treaty
14 provisions which bar the extradition for any of the charged offenses.
15 See *Barapind v. Reno*, 225 F.3d 1100, 1105 (9th Cir. 2000); *Cornejo-*
16 *Barreto v. Seifert*, 218 F.3d 1004, 1009-10 (9th Cir. 2000); *Quinn v.*
17 *Robinson*, 783 F.2d 776, 783, 790 (9th Cir. 1986); *Zanazanian v. U.S.*,
18 729 F.2d 624, 626 (9th Cir. 1984).

19 If these requirements are met, the extradition magistrate must
20 certify the individual as extraditable to the Secretary of State and
21 issue a warrant of commitment. *Blaxland v. Commonwealth Dir. of Pub.*
22 *Prosecutions*, 323 F.3d 1198, 1208 (9th Cir. 2003). Once such a
23 certification has been made, "it is the Secretary of State,
24 representing the executive branch, who determines whether to surrender
25 the fugitive." *Blaxland*, 323 F.3d at 1208; 18 U.S.C. § 3184.
26 Extradition is a matter of foreign policy entirely within the
27 discretion of the executive branch, and "the executive branch's
28 ultimate decision on extradition may be based on a variety of grounds,

1 ranging from individual circumstances, to foreign policy concerns, to
2 political exigencies." *Blaxland*, 323 F.3d at 1208. Thus, the authority
3 of the extradition magistrate is limited to the judicial determination
4 required by section 3184.

5 **B. The Judicial Officer is Authorized to Conduct the Extradition
6 Proceedings**

7 Pursuant to section 3184 and General Order No. 01-13,² this Court
8 has jurisdiction to preside over the extradition of Hughes. This issue
9 was not challenged by Hughes.

10 **C. The Court Has Jurisdiction Over the Fugitive**

11 Pursuant to section 3184, this Court has jurisdiction over Hughes,
12 who is "found within [this] judicial district," because he was
13 arrested, and is presently detained, in the Central District of
14 California. This issue was not challenged by Hughes.

15 **D. There is an Applicable Treaty in Full Force and Effect**

16 The parties do not dispute, and this Court expressly finds, an
17 extradition treaty between the United States and Mexico is in full
18 force and effect. See 18 U.S.C. § 3181 (Historical and Statutory
19 Notes). The Treaty applies to offenses committed before and after the
20 date it entered into force. Treaty, art. 20.

21 **E. Extraditable Offense - The Dual Criminality Requirement**

22 "[U]nder the doctrine of 'dual criminality,' an accused person can
23 be extradited only if the conduct complained of is considered criminal
24 by the jurisprudence or under the laws of both the requesting and
25 requested nations." *Quinn*, 783 F.2d at 786-87. The dual criminality

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27 ² United States District Court for the Central District of
28 California General Order No. 01-13 authorizes this Court's magistrate
judges to preside over "[e]xtradition proceedings pursuant to 18 U.S.C.
3181 et seq."

1 principle is explicitly incorporated into Article 2 of the Extradition
 2 Treaty, which provides that: "[a]n offense shall be an extraditable
 3 offense if it is punishable under the laws in both Contracting Parties
 4 by deprivation of liberty for a period of more than one year, or by a
 5 more severe penalty." Treaty, art. 2(2).

6 Petitioner has been convicted of the crime of aggravated homicide,
 7 in violation of Articles 126 and 131 of the Penal Code for the State
 8 of Querétaro, Mexico. This conduct, if it had occurred in the United
 9 States, would be subject to prosecution under 18 U.S.C. § 1111 (Murder)
 10 and is punishable by a term of imprisonment of over one year. Murder
 11 is listed as an extraditable offense in the Treaty's Appendix.
 12 Accordingly, the dual criminality requirement with respect to the
 13 alleged offense is satisfied.

14 Hughes argues that the extradition request violates Article 2 of
 15 the Treaty because there is less than six months remaining on Hughes's
 16 sentence. (Opp. to Motion for Extradition at 4.) In its judgment of
 17 conviction and sentencing decision ("Judgment"), the Chamber for the
 18 Criminal Matters of the Superior Court of Justice ("Appellate Court")
 19 sentenced Hughes to 19 years for the crime of aggravated homicide for
 20 which Mexico is seeking extradition. (Judgment, Ex. B at 76.)³
 21 According to Mexico, Hughes has served one year, nine months and 12
 22 days of his 19-year sentence, specifically from September 21, 1995 (the
 23 date of his arrest on the homicide charge) to July 3, 1997 (the date
 24 he was released after his acquittal). (Judicial Record issued by the
 25 Fifth Criminal Trial Court for the Judicial District of Querétaro,
 26 dated May 23, 2007, att. as Ex. C to Opp.)

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 28 ³ Because the Judgment contains multiple different pagination
 numbers, the Court will order the pages numerically.

1 Hughes contends that Mexico's calculation of this time is
2 erroneous because he should be given credit against his 19-year
3 sentence for the following: (1) the time he spent in detention in
4 Mexico from July 11, 1994 to September 21, 1995, as a result of the
5 United States' extradition request; (2) the "one-to-one work credit"
6 he allegedly received while incarcerated in Mexico from July 1994 to
7 July 1997; and (3) the time he was in custody in the United States in
8 connection with the extortion charge, which he claims began with his
9 pre-trial detention on May 5, 1998, and ran until he completed his
10 sentence for the extortion charge, for a total of 14 years and eight
11 months in custody. (Opp. at 4.)

12 Hughes bases his argument that he is entitled to this credit upon
13 the following statement in the Judgment: EDWARD RONALD HUGHES ... is
14 criminally responsible for the commission of aggravated homicide
15 against Brian McCarthy, for that reason he is sentenced to NINETEEN
16 YEARS IN PRISON ...; *it shall be deducted the time he was under*
17 *detention because of the incidents which originated to the current*
18 *criminal case.*" (Emphasis added.) (Judgment, Ex. B at 76.)

19 Mexico has given Hughes credit only for the pretrial detention he
20 served at the San José El Alto Querétaro prison ("Querétaro Prison").
21 Hughes contends that he also served an additional one year, two months
22 and 10 days at the Correctional Facility at Los Mochis, Sinaloa
23 ("Sinaloa Prison"), from July 11, 1994 until September 21, 1995, when
24 he was transferred to Querétaro Prison. (Opp. at 4.)

25 Hughes is not entitled to credit for the time he spent in Sinaloa
26 Prison awaiting extradition to the United States on the extortion
27 charge. The language of the Judgment specifically states that the only
28 credit that Hughes would receive would be for the time he was

1 imprisoned "because of the incidents which originated . . . the current
2 criminal case." (Judgment, Ex. B at 76.) The logical interpretation of
3 the phrase "the current criminal case" solely refers to the charge of
4 aggravated murder for which Hughes was convicted and sentenced on
5 February 25, 1998. Thus, any time that Hughes spent in Sinaloa Prison
6 awaiting extradition to the United States on the extortion charge would
7 not be credited because it was not a part of "the current criminal
8 case." Rather, the events giving rise to the extortion charge occurred
9 after the murder and after Hughes had left Mexico and returned to the
10 United States. Indeed, the fact that the Appellate Court gave Hughes
11 credit for the time he was detained awaiting trial for the crime of
12 aggravated homicide, from September 21, 1995 to July 3, 1997, and not
13 for the time he was detained while awaiting extradition to the United
14 States, is further evidence that Hughes's interpretation of the
15 Judgment's language is incorrect.

16 Hughes also argues that he is entitled to the "one-to-one work
17 credit" he allegedly accrued while incarcerated in Sinaloa and
18 Querétaro Prisons from July 1994 to July 1997. (Opp. at 4.) As noted
19 above, Hughes served one year, two months and 10 days at Sinaloa Prison
20 and one year, nine months and 12 days at Querétaro Prison. Hughes
21 claims that, while at Sinaloa and Querétaro, he earned a day of credit
22 for every day that he served. (Id.) Therefore, he contends that he is
23 entitled to credit for two years, four months and 20 days at Sinaloa
24 Prison and three years, 6 months and 24 days at Querétaro Prison. (Id.)

25 However, as discussed above, Hughes is not entitled to credit for
26 the time that he spent at Sinaloa Prison awaiting extradition to the
27 United States. Moreover, Hughes has failed to provide any Mexican
28 documentation or authority to support his work credit claim. Rather,

1 the only evidence Hughes provides is his own self-serving declaration
2 that he earned "one-to-one credit time" for each day he spent at
3 Sinaloa and Querétaro Prisons. This is clearly insufficient evidence
4 in these circumstances.

5 Finally, Hughes argues that he is entitled to credit against his
6 Mexican sentence for the time he served in the United States based upon
7 his extortion conviction. (Opp. at 5.) Hughes contends that the
8 sentence he served in the United States on the extortion charge arose
9 from the same facts as the murder case, and therefore, he has already
10 served 14 years and eight months on a charge based upon "incidents
11 which originated the current criminal case." (Id.) Hughes's
12 interpretation of the language of the Judgment is illogical and
13 unreasonable. A plain interpretation of the term "incidents which
14 originated the current criminal case" only refers to the crime of
15 aggravated homicide for which Hughes was sentenced in the Mexican
16 Judgment. Hughes murdered Brian McCarthy on February 6, 1994. His body
17 was discovered on February 7, 1994. Hughes did not make the initial
18 telephone call regarding the false tale of kidnaping until the morning
19 of February 8, 1994, after he had returned to the United States. Thus,
20 the telephone call and other efforts to obtain the ransom could not
21 have been part of "the incidents which originated" McCarthy's murder
22 because McCarthy was already dead and the crime of aggravated homicide
23 complete by the time Hughes attempted to extort money from ASI. Put
24 another way, Hughes could easily have committed the crime of attempted
25 extortion without having murdered McCarthy.

26 Moreover, it is utterly illogical to conclude that the Mexican
27 Appellate Court intended to credit Hughes for the time that he would
28 spend in prison in the United States on the attempted extortion charge

1 given that, at the time of the Judgment on February 25, 1998, Hughes
2 had not yet been tried, convicted or sentenced on that charge.
3 Further, an examination of the Judgment, in which the Mexican Appellate
4 Court specifies in detail the evidence supporting the aggravated
5 homicide charge, reveals that the actions underlying the extortion
6 charge, i.e., the telephone call and false claims of ransom demands,
7 were not relied upon to prove the murder charge. (Opp., Ex. B.)

8 In addition, the Appellate Court uses the word "incidents" solely
9 to describe Hughes's actions on the day of McCarthy's murder, not to
10 any conduct that occurred after the murder. For example, the Appellate
11 Court stated, "It is clear that the defendant Edward Ronald Hughes, on
12 the day of the incidents, that is, the day in which he committed the
13 crime against Mr. Brian McCarthy, he had a superiority over Brian
14 McCarthy given by the fire weapon." (Judgment, Ex. B at 68-69.) The
15 Appellate Court also stated that "[a]t the moment of the incidents the
16 active party was the only one who was armed so he had an advantage to
17 the passive party." (Id. at 72.) Thus, applying the reasonable meaning
18 of the terms of the Judgment, it is clear that Hughes is not entitled
19 to credit for the time that he spent in a United States prison for the
20 attempted extortion against his sentence for the crime of aggravated
21 homicide in Mexico.

22 **F. Probable Cause**

23 The government requesting extradition has the burden of producing
24 "such information as would provide reasonable grounds to believe that
25 the person sought has committed the offense for which extradition is
26 requested." Treaty, art. 8(3)(c); see also *Barapind*, 360 F.3d at 1068-
27 70 (the probable cause element requires the extradition magistrate to
28 find reasonable ground to believe the accused is guilty of the crimes

1 charged). The burden is met if there is any evidence warranting the
2 extradition court to make such a finding. See *Barapind*, 360 F.3d at
3 1068; *Quinn*, 783 F.2d at 790 (citing *Fernandez v. Phillips*, 268 U.S.
4 311, 312 (1925)). Further, the requesting nation is not required to
5 present all of its evidence at an extradition hearing. *Quinn*, 783 F.2d
6 at 815.

7 Where, as here, the fugitive has already been convicted, the
8 conviction is dispositive of the issue of probable cause. See *Haxhiaj*
9 v. *Hackman*, 528 F.3d 282, 290-291, and fn. 2 (4th Cir. 2008) (applies
10 to even in *absentia* convictions); *Sidali v. I.N.S.*, 107 F.3d 191, 196
11 (3rd Cir. 1997); *Spatola v. United States*, 925 F.2d 615, 618 (2nd Cir.
12 1991); *United States v. Vigil*, 2013 WL 314755, *3 (E.D.Cal. 2013). See
13 also Restatement (Third) of the Foreign Relations Law of the United
14 States § 476 comm. b (1987) ("With respect to persons whose extradition
15 is sought after conviction in the requesting state, the [probable
16 cause] requirement is met by proof of the judgment of conviction and,
17 where appropriate, of sentence.")

18 The Treaty lists the required documents that must be submitted in
19 order to establish probable cause: (1) a statement of the facts of the
20 case; (2) the text of the legal provisions describing the essential
21 elements of an the punishments for the offense, and the provisions
22 relating to the time limits on the prosecution of the offense; (3)
23 identification information regarding the fugitive; (4) a certified copy
24 of the judgment of conviction imposed by Mexico; and (5) a
25 certification of the sentence imposed and a statement indicating which
26 part of the sentence has not been carried out. (Treaty, art. 10.) All
27 of the documentation required by the Treaty has been submitted and is
28 attached to the complaint and formal request for extradition.

1 In addition, any Mexican documents submitted for extradition
2 purposes, such as depositions, warrants and other papers, must be
3 properly authenticated. "[T]he certificate of the principal diplomatic
4 or consular officer of the United States resident in such foreign
5 country shall be proof that the same, so offered, are authenticated in
6 the manner required." 18 U.S.C. § 3190. The documents filed here are
7 accompanied by the certification of John Brennan, Minister Counselor
8 for Consular Affairs at the United States Embassy, attesting to the
9 authenticity of the documents. (Request for Extradition, Ex. 1 at 1-3.)

10 Accordingly, this Court finds that Mexico has met its burden of
11 producing sufficient evidence to provide reasonable grounds to believe
12 that Hughes committed the crime alleged.

13 **G. Statute of Limitations**

14 Finally, Hughes asserts that article 7 of the Treaty bars his
15 extradition. (Opp. at 6.) Article 6 provides that "[e]xtradition shall
16 not be granted when the prosecution or enforcement of the penalty for
17 the offense for which extradition has been sought has become barred by
18 lapse of time according to the laws of the requesting or requested
19 Party." (Treaty, art. 6.)

20 According to Articles 111 to 124 of the Criminal Code of
21 Querétaro, the statute of limitations to enforce the judgment in this
22 case is 15 years. (Opp., Ex. F.) Article 120 of the Criminal Code of
23 Querétaro provides as follows:

24 The Statute of limitations to exercise criminal action and
25 security measures shall be continuous, and to that effect they
26 shall begin to run as of the next day after the condemned
27 person flees the administration of justice. If the penalties
28 or security measures deprives or restricts his liberty and if

1 they are not, as of the date the sentence becomes enforceable.
2 (Id.) Hughes relies upon this provision to argue that the statue of
3 limitations began to run when he first "fle[d] the administration of
4 justice," that is, when he failed to comply with the condition of his
5 release on July 4, 1997 that he report for house arrest. (Opp. at 7;
6 Ex. I.) Therefore, Hughes concludes that the 15-year statute of
7 limitations expired on July 4, 2012.

8 Contrary to Hughes's contention, Mexico's judicial determination
9 with respect to when the statue of limitations began to run was
10 properly calculated pursuant to Mexican law. As noted above, Hughes was
11 initially acquitted of the murder of Brian McCarthy on April 29, 1997.
12 As authorized by Mexican law, the Public Prosecutor appealed the trial
13 judge's ruling. On February 25, 1998, the Appellate Court granted the
14 appeal, modified the April 29, 1997 decision and ruled that Hughes was
15 guilty of the crime of aggravated homicide. He was sentenced that same
16 day to 19 years in prison. Hughes then challenged his conviction by
17 means of an "amparo" appeal, which is similar to a habeas corpus
18 proceeding. On August 4, 1998, the amparo was denied, thus making
19 Hughes's conviction final.

20 On April 18, 2000, as required by Mexican law, the court in
21 Querétaro, Mexico issued a re-arrest warrant for Hughes, thus imposing
22 the 19-year sentence and authorizing the Mexican authorities to take
23 custody of Hughes to begin serving his sentence. (Opp., Ex. I at 1.)
24 In a judicial order dated July 6, 2000, the Fifth Trial Court
25 originally determined that the statute of limitations for the execution
26 of the prison sentence expired on August 5, 2013, based upon a starting
27 date of August 6, 1998, the date Hughes's conviction became final.
28 (Opp., Ex. G.)

1 However, at the request of the Public Prosecutor, a judge of the
2 Mexican trial court reviewed the Mexican law to determine the statute
3 of limitations and issued a revised order determining that the statute
4 of limitations actually expires on April 18, 2015, based upon a start
5 date of April 18, 2000, the date that the re-arrest warrant was issued.
6 (Opp., Ex. H.) Under Mexican criminal procedure, after Hughes's
7 acquittal on April 29, 1997 and before the April 18, 2000 re-arrest
8 warrant, there was no valid warrant to take Hughes into custody. (See
9 Government's Supplemental Notice of Lodging, filed March 4, 2013.)

10 Moreover, the Mexican court's determination of the applicable
11 statute of limitations is entitled to substantial deference. United
12 States courts are strongly discouraged from reviewing whether the
13 demanding country has complied with its own law and, indeed, it is
14 error to do so except to the limited extent necessary to ensure
15 compliance with the applicable extradition treaty. See *United States*
16 *ex rel. Petrushansky v. Marasco*, 325 F.2d 562, 565 (2d Cir. 1963) (the
17 role of a U.S. court is "limited to ensuring that the applicable
18 provisions of the treaty and the governing American statutes are
19 complied with"). "Judicial officers considering extradition requests
20 - and, by extension, district judges considering habeas petitions
21 challenging extradition orders - should not engage in an analysis of
22 the demanding country's laws and procedure, except to the limited
23 extent necessary to ensure that the requirements of the federal
24 extradition statute and the applicable extradition treaty have been
25 satisfied." *Skaftouros v. United States*, 667 F.3d 144, 156 (2d Cir.
26 2011). In a recent similar case, the Ninth Circuit gave deference to
27 Mexico's calculation of the statute of limitations based upon "respect
28 for other nations' sovereignty" and the real possibility of "erroneous

1 interpretation" of other nations' laws. *Sainez v. Venables*, 5889 F.3d
2 713, 717 (9th Cir. 2009).

3 Accordingly, the Court finds that the statue of limitations has
4 not expired on the crime of aggravated homicide for which Mexico is
5 seeking Hughes's extradition.

6

7 **III. Findings, Conclusions And Certification**

8 For the reasons discussed above, the Court grants Mexico's request
9 for Hughes's extradition and makes the following findings and
10 conclusions in support of this Memorandum and Order:

11 1. This Court has jurisdiction over the proceedings;
12 2. This Court has jurisdiction over Edward Ronald Hughes;
13 3. There is a valid extradition treaty between the United States
14 and Mexico in full force and effect;
15 4. The Mexican offense of Aggravated Homicide is an extraditable
16 offense consisting of conduct considered to be criminal in both the
17 United States and Mexico, and which is punishable by deprivation of
18 liberty for a period of more than one year;
19 5. There is probable cause to believe that Hughes committed the
20 crime of Aggravated Homicide;
21 6. There are no applicable treaty provisions which bar
22 extradition; and
23 7. Mexico's formal papers and documents in support of its request
24 for Hughes's extradition are and have been presented in accordance
25 with the laws of the United States of America and the Treaty, and have
26 been translated and authenticated in the manner required by the
27 Treaty.
28 8. The applicable statute of limitations has not elapsed. The

1 Court hereby certifies the above findings and conclusions, and the
2 transcripts of the extradition hearing held in this case, to the
3 Secretary of State, pursuant to 18 U.S.C. § 3184.

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5 Dated: March 18, 2013

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9 Marc L. Goldman
10 United States Magistrate Judge

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